

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,397	12/17/2004	Silverio De Marchi	26441U	8105
20529 7	590 05/15/2006		EXAM	INER
NATH & ASSOCIATES			KANG, JULIANA K	
112 South West Street Alexandria, VA 22314		ART UNIT	PAPER NUMBER	
Alexandria, V	A 22314		2874	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/518,397	DE MARCHI, SILVERIO			
Office Action Summary	Examiner	Art Unit			
	Juliana K. Kang	2874			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
1) Responsive to communication(s) filed on <u>06 February 2006</u> .					
,	······································				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) ⊠ Claim(s) <u>1-15</u> is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) ⊠ Claim(s) <u>1-15</u> is/are objected to. 8) □ Claim(s) are subject to restriction and/o	wn from consideration.				
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	epted or b) objected to by the l drawing(s) be held in abeyance. Sec tion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
Attachment(s)					
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  Paper No(s)/Mail Date					
Notice of Draftsperson's Patent Drawing Review (PTO-948)     Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)     Paper No(s)/Mail Date	_	Patent Application (PTO-152)			

Application/Control Number: 10/518,397 Page 2

Art Unit: 2874

1. Applicant's communication filed on February 6, 2006 has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendments made to the claims, are persuasive and the rejections based upon prior art made of record in the previous office action are withdrawn. However, during the reconsideration the new objections are applied to the pending claims. Thus this action is not made final.

## Claim Objections

2. Claims 1-15 are objected to because of the following informalities: claim 1 recites the limitation "at least one cladding part (8, 8'), which can be pivoted at a joint (9) by a certain pivoting angle between an open position and a closed position" in lines 9 and 10. This does not appear to be correct because it is impossible for one cladding part to be at an open position or a closed position. Claim 1 also recites limitation "a protective sleeve which can be divided and closed" in lines 13-14. This does not appear to be correct because one sleeve cannot be divided or closed. It appears that reciting two cladding parts and two of protective sleeves are correct ways to recite the applicant's invention and this way the recited limitation "an open position and a closed position" make sense. Appropriate correction is required.

## Allowable Subject Matter

3. Claims 1-15 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action. It appears that there is no prior art made of

Application/Control Number: 10/518,397 Page 3

Art Unit: 2874

فؤمريه خر

record that teaches the claimed invention was shown in Fig. 1 that comprises protective sleeves and cladding parts that can be pivoted at joints. However, because there are objections to the pending claims, the claims will be reconsidered when the response is received.

## Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-2348. The examiner can normally be reached on Monday through Thursday 8:00 AM-2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JULIANA KANG
PRIMARY EXAMINER